Division Bench

CF100/-

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IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR, CHHATTISGARH

WRIT PETITION (CIVIL) No. 7069 / 2006

PETITIONER

M/s M.B RUBBER PVT. LTD
THROUGH ITS DIRECTOR
SH VIPAN MEHTA
REGISTERED OFFICE AT
195, GAGAN VIHAR
DELHI-110051

P.R. No. 7260/06
Presented by Varundhar Mishra
dated 12/12/06

VERSUS

RESPONDENTS

1. STATE OF CHHATTISGARH THROUGH ITS CHIEF SECRETARY D.K.S BHAWAN, RAI PPUR CHATTISGARH.

RECEIVED-COPY
12/12/06
CLERK to A. G. BILASPUR

2. CHHATTISGARH STATE MINOR FOREST PRODUCE (TRADING AND DEVELOPMENT)CO-OP FEDERATION LTD THROUGH ITS MANAGING DIRECTOR A-25, V.I.P. ESTATE, NEAR V.I.P CLUB KHAMARDIH, SHANKAR NAGAR RAIPUR-492007

OATH COMMISSIONER
APARNA MALVIYA
CG2073/06
11/12/06
Bilaspur Chhattisgarh

CIVIL WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT/ ORDER/ DIRECTION

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...WP...7069/2006 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Division Bench : **Hon'ble Mr. V.K. Shrivastava &** **Hon'ble Mr.Dhirendra Mishra, JJ** **7-2-2007** Shri A.K. Bajpai and Shri Varun Mishra, counsel for the petitioner. Shri Prashant Mishra, Addl. Advocate General for the State/respondent No.1 and he also appears as Sr. Advocate for respondent No.2 with Shri Vivek Ranjan Tiwari, Advocate. Shri A.K. Singh, Managing Director, Chhattisgarh State Minor Forest Produce Co-op Federation Limited, Raipur is also present. With consent of the parties, the matter was finally heard at motion stage. The factual matrix of the case, in short, is that respondent No.2 vide notification dated 13-1-2006 called tender for supply of shoes having certain specifications and also desired registration certificate from the competent authority. Petitioner and others submitted their tender forms. Even along with the tender petitioner sent samples of shoes/footwear to respondent No.2. When technical bid was opened and list of competitors for financial bid was published on 7-12-2006, name of the petitioner was not included therein. Hence, this writ petition. Respondents contested the claim of the petitioner on the sole ground that petitioner although having registration certificate for manufacturing shoes, but it does not include footwear with direct injected expanded PVC Sole. On 29-1-2007 this Court directed the respondents to file relevant certificates, as required by respondent No.2 in NIT, regarding footwear with direct injected expanded PVC sole furnished by other bidders.	

आदेश पत्रक

मामला क्रमांक ...WP...7069/2006 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	During the course of arguments, learned counsel for the respondents frankly conceded that though other bidders have not filed such registration certificates, but have submitted acknowledgement given by the Ministry of Commerce and Industries, Government of India, regarding receipt of memorandum for manufacture of PVC footwear. When other bidders having no such registration are allowed in financial bid how a discriminatory action against the petitioner could be taken. It is direct infringement of his right, which cannot be permitted to stand. Undisputedly, petitioner with regard to other conditions is fulfilling the criteria to compete. In view of the above, we are of the considered opinion that in the facts and circumstances of the case, the petitioner cannot be deprived of to participate in financial bid. Accordingly, the writ petition is allowed and the respondents are directed to allow the petitioner to take part in the financial bid. Consequently, M.(W.).P.Nos.5001/2006 & 5050/2006 and I.A.Nos. 11637/2006 & 740/2007 stand disposed of. Certified copy as per rules. **Sd/-** **V.K.Shrivastava** **Judge**	**Sd/-** **Dhirendra Mishra** **Judge**
Gowri		

(पीछे देखिये)